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EXAMINER

VU, NGOC YEN T

ART UNIT

PAPER NUMBER

2612

7

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/041,641

Applicant(s)

Shinichi FUJII et al.

Examiner

Ngoc-Yen Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 16, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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***Response to Amendment***

1. The amendments, filed on 06/16/2003, have been entered and made of record. Claims 1-26 are pending and considered on the merits.

In view of the Applicant's amendment to the title, the objection to the title is hereby withdrawn.

***Response to Arguments***

2. Applicant's arguments with respect to claims 13-16 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument with respect to claims 17-19 and 21-23 that the Ejima reference fails to show the limitation of enlarging a portion of a subject image while maintaining a selected zoom setting for the subject image, the Examiner notes that claim 17 broadly claims the image sensor for picking up an image of a subject at a selected zoom setting, whereas the selected zoom setting of the subject image can be set at 1. The Examiner notes that Ejima does teach in column 9 lines 40-63 that the CPU 36 instructs the DSP 33 to zoom and display only designated regions of the object image such as Mr. Yamada's image only, see also column 10 lines 20-32.

With respect to the Ueno reference, the Applicants argue that Ueno does not show or suggest enlarging a selected portion of the image. The Examiner agrees. Ueno was cited for the purpose of teaching an image pickup controller for controlling an image pickup operation based

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upon a specified position specified by a specifying member. Ejima was used to show the teaching of enlarging a selected portion of an image.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 13-16 and 24 are rejected under 35 U.S.C. 103(a) as being anticipated by Sakaegi (US #5,808,678) in view of Kubo et al. (US #6,545,710).

Regarding claim 13, Sakaegi '678 teaches a digital camera (Fig. 1) comprising:

an image sensor (2) for picking up an image of a subject and for generating a subject image (col. 3 lines 25+);

a display (EVF 19) for displaying said subject image generated by said image sensor on a screen (Figs. 2; see col. 3 lines 52+; col. 4 lines 10+);

a specifying member (area destination SW 21/23 or cursor movement SW 24) for specifying a specific position on said screen (col. 3 lines 58-63; col. 4 lines 9-33; col. 5 lines 33-59);

a colorimetric circuit (window cut-out circuit 11 and AWB 13) for carrying out colorimetric calculation so as to adjust white balance of said subject image (col. 5 line 60 - col. 6 line 6); and

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an image pickup controller (system controller 7) for controlling an image pickup operation based upon said specified position specified by said specifying member (col. 5 line 60 - col. 6 line 49).

Claim 13 differs from Sakaegi in that the claim further requires the colorimetric circuit adjusts white balance of the subject image independent of the specified position specified by said specifying member. The limitation is well known in the art as shown in Kubo. In the same field of endeavor, Kubo '710 teaches a digital camera (see Fig. 1) comprising an image sensor (6), and a colorimetric circuit (83-84, 94-99) for carrying out colorimetric calculations to adjust white balance of an image (col. 10 line 29 - col. 11 line 60). For the purpose of having the white balance adjustment to be performed with high accuracy and having a preferable color correction suitable for the photographic scene, Kubo further teaches the white balance of the image is adjusted independent of extracted high luminance portions (col. 12 line 22 - col. 13 line 13; col. 17 line 30 - col. 18 line 38; col. 19 line 60 - col. 21 line 3). In light of the teaching from Kubo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust white balance of the subject image disclosed in Sakaegi independent of high luminance portions so as to perform white balance of an image with high accuracy and a preferable color correction suitable for any photographic scene.

As to claim 14, Sakaegi teaches an optical image pickup system (zoom sensing optical system 1), wherein said image pickup controller carries out a focusing operation of said optical

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image pickup system with respect to said specified position on said screen that has been specified by said specifying member (col. 6 lines 7-10).

As to claim 15, Sakaegi teaches a photometric circuit (AE 12) for measuring subject luminance, wherein said image pickup controller carries out photometric calculations with respect to said specified position on said screen that has been specified by said specifying member (col. 5 line 60 - col. 6 line 2).

As to claim 16, Sakaegi teaches the AWB circuit (13) only performs integration of a color-difference signal in the cut-out area (col. 5 line 60 - col. 6 line 2). It is inherently that the colorimetric calculations of the cut-out area (area 202 in Fig. 2C) are independent of the colorimetric calculation of an entire portion of a subject image, i.e., in figure 2A.

Regarding claim 24, it is a method claim corresponding to the apparatus claim 13. Therefore, claim 24 is analyzed and rejected as previously discussed with respect to claim 13.

5. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaegi '678 in view of Kubo '710, as applied to claim 13 above, and further in view of Ejima (US #6,188,432).

As to claim 1, Sakaegi, as modified by Kubo, fails to teach an altering member for altering magnification of a subject image displayed on said display and a first specified position controller for maintaining a relationship between said subject and said specified position independent of an alteration of magnification carried out by said altering member. However, the

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limitation is well known in the art as taught in Ejima. In the same field of endeavor, Ejima '432 teaches a digital camera (Figs. 1-4) comprising an image sensor (CCD 20), a display (LCD 6), a specifying member (touch tablet 6A and pen 46) for specifying a specific position on the display, an altering member (Fig. 6) for altering magnification of a subject image displayed on said display (col. 9 line 15 - col. 10 line 62); and a first specified position controller (Figs. 6-7, line drawing zooming YES/NO - LDZ flag = 1/0) for maintaining a relationship between said subject and said specified position independent of an alteration of magnification carried out by said altering member (Figs. 10A-10B; col. 3 lines 15-30; col. 9 line 15 - col. 11 line 39). In light of the teaching in Ejima, it would have been obvious to one of ordinary skill in the art to modify the digital camera taught in Sakaegi and Kubo by providing an altering member for altering magnification of the subject image and a first specified position controller for independently maintaining a relationship between said subject and said specified position so as to allow the user to alter magnification of a selected portion or area of the subject image independently of other portions or areas.

As to claims 2-3, Sakaegi, as modified by Kubo and Ejima, further teaches an optical image pickup system having a variable focal length (Sakaegi, optical system 1; col. 3 lines 25+); wherein said image pickup controller (system controller 7) carries out a focusing operation of said optical image pickup system with respect to said specified position on said screen that has been specifying by said specifying member (Sakaegi, col. 3 line 39 - col. 4 line 23; col. 5 line 33

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- col. 6 line 49), and said altering member alters a focal length of said optical image pickup system (Ejima, col. 9 line 15 - col. 10 line 62).

As to claim 4, Sakaegi, as modified by Kubo and Ejima, further teaches said altering member alters said magnification by displaying in an enlarged manner one portion of said subject image generated by said image sensor on said screen of said display (see Ejima, Figs. 9-10).

As to claim 5, Sakaegi, as modified by Kubo and Ejima, further teaches that the digital camera further comprises a cursor generator for generating a cursor corresponding to said specified position specified by said specifying member, wherein said display composes said cursor and said position of said subject image to display the resulting image on said screen (Ejima, Figs. 9-10. It is noted that Ejima teaches that any desired line drawing such as text, diagram, or the like can be input using the touch tablet 6A; see col. 7 lines 24-40).

As to claim 7, Sakaegi, as modified by Kubo and Ejima, further teaches a photometric circuit for measuring subject luminance (Sakaegi, AE 12), wherein said image pickup controller (7) carries out photometric calculations with respect to said specified position on said screen specified by said specifying member (Sakaegi, col. 3 line 39 - col. 4 line 23; col. 5 line 33 - col. 6 line 49).

As to claim 8, Sakaegi, as modified by Kubo and Ejima, further teaches an optical image pickup system having a variable focal length (Sakaegi, optical system 1; col. 3 lines 25+); wherein said altering member alters a focal length of said optical image pickup system (Ejima, col. 9 line 15 - col. 10 line 62).

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As to claim **9**, Sakaegi, as modified by Kubo and Ejima, teaches that said altering member alters said magnification of said subject image by displaying in an enlarged manner one portion of said subject image generated by said image sensor on said screen of said display (Ejima, Figs. 9-10).

As to claim **10**, Ejima teaches a second specified position controller (Figs. 6-7, line drawing zooming NO - LDZ flag = 0) for maintaining a relationship between said screen and said specified position independent of an alteration in said magnification by said altering member (Figs. 10A-10B; col. 10 line 9 - col. 11 line 3; col. 11 lines 13-24); and a selector (Figs. 6-7) for selecting either said first specified position controller or said second specified position controller (col. 9 lines 15-30; col. 11 lines 4-24).

6. Claims 6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaegi '678 in view of Kubo '710 and Ejima '432, as applied to claims 2 and 10 above, and further in view of Yanker (US #5,187,776).

As to claim **6**, Sakaegi, as modified by Kubo and Ejima, further teaches a photometric circuit for carrying out a photometric operation with respect to a photometric area based upon said specified position (Sakaegi; AE 12). Claim 6 differs from Sakaegi, as modified by Kubo and Ejima, in that the claim further requires that said specified position is located at an edge of said screen, said image pickup controller shifts a center of said photometric area in the center direction of said screen from said specified position. However, it is well known in the art to shift

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positions of desired line drawings, texts or diagrams to a predetermined position within a screen when a ZOOM function is invoked, as taught in Yanker '776 (Figs. 2-3; see col. 3 lines 6-31; col. 4 line 7 - col. 5 line 63). In light of the teaching from Yanker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Sakaegi, as modified by Kubo and Ejima, by shifting a center of said photometric area in the center direction of said screen from said specified position in the case when the specified position is located at an edge of the screen so as to provide a camera having a zoom function that centers the magnified portion of an image upon a display cursor.

As to claim 11, the claim differs from Sakaegi, as modified by Kubo and Ejima, in that it further requires said second specified position controller shifts said specified position to a predetermined position within said screen in the case when said second specified position controller is selected by said selector with said specified position being out of said screen of said display by said alteration in said magnification by said altering member. However, it is well known in the art to shift positions of desired line drawings, texts or diagrams to a predetermined position within a screen when a ZOOM function is invoked, as taught in Yanker '776 (Figs. 2-3; see col. 3 lines 6-31; col. 4 line 7 - col. 5 line 63). In light of the teaching from Yanker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Sakaegi, as modified by Kubo and Ejima, by shifting a specified position to a predetermined position within a screen in the case when the specified position being

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out of the screen due to image magnification alteration so as to provide a camera having a zoom function that centers the magnified portion of an image upon a display cursor.

As to claim 12, Yanker '776 shows that said predetermined position within said screen is on an edge of said screen or in a vicinity of an edge of said screen (Figs. 2-3).

7. Claims 17-19, 21-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima (US #6,188,432) in view of Ueno et al. (US #5,625,415).

Regarding claim 17, Ejima '432 teaches a digital camera comprising:

an image sensor (Fig. 4, CCD 20) for picking up an image of a subject at a selected zoom setting (it is noted that the zoom setting can be set at 1) and for generating a subject image (col. 3 line 56 - col. 4 line 42);

a display (Fig. 2, LCD 6) for displaying said subject image generated by said image sensor on a screen (Figs. 9-10; col. 2 line 59 - col. 3 line 17);

a specifying member (Fig. 4, pen 46 and touch tablet 6A) for specifying a specific position on said screen (Fig. 7, 9-10; col. 2 line 59 - col. 3 line 5; col. 4 line 64 - col. 5 line 7; col. 7 line 14 - col. 8 line 65);

an image pickup controller (Fig. 4, CPU 36) for controlling an image pickup operation;

a display controller (CPU 36) for displaying a portion of said subject image in an enlarged manner in an enlarged area containing said specified position specified by said specifying member on said screen while maintaining said selected zoom setting for said subject image (Figs.

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9A-9B; col. 9 line 15 - col. 10 line 32) (it is noted that Ejima teaches in column 9 lines 40-63 that the CPU 36 instructs the DSP 33 to zoom and display only designated regions of the object image such as Mr. Yamada's image only, see also column 10 lines 20-32).

Claim 17 differs from Ejima '432 in that the claim further requires that the image pickup controller carries out a focusing operation based upon said specified position specified by said specifying member. The limitation is well known in the art as shown in Ueno '415. In the same field of endeavor, Ueno '415 teaches a digital camera system (Figs. 1 & 10 camera 10/110) comprising an image sensor (34/126), a display unit (16/116), a specifying member (input unit 18/118, cursor unit 204/1204) and an image pickup controller (control 38/12/130/138/114). In order to provide high image quality of photographed images having optimum exposure and focus photographic conditions, Ueno '415 further teaches that the image pickup controller controls a focusing operation based upon said specified position specified by said specifying member (cursor 204/1204) (Figs. 11A/B) (see col. 7 line 14 - col. 8 line 5; col. 8 line 50 - col. 9 line 11; col. 9 line 30 - col. 10 line 35; col. 11 line 27 - col. 12 line 37; col. 13 line 43 - col. 14 line 54; col. 18 line 1 - col. 19 line 53; col. 20 lines 20-51; col. 25 line 29 - col. 27 line 16). In light of the teaching in Ueno, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a focusing operation of the digital camera taught in Ejima image pickup operations based said specified position specified by said specifying member so as to provide high quality photographed images having optimum exposure and focusing photographic conditions.

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As to claim **18**, Ejima teaches that said display controller displays said subject image in an enlarged manner, centered on said specified position (Figs. 10A/10B).

As to claim **19**, Ejima teaches that in the case when said subject image, displayed in an enlarged manner, causes an area other than said subject image generated by said image sensor to be displayed on said screen of said display, said display controller displays said area other than said subject image in a specific color (Ejima teaches a color selection switch for selecting a specific color for the line drawing, col. 7 lines 37-40).

As to claim **21**, Ejima teaches that in the case when said subject image, displayed in an enlarged manner (see Figs. 9B & 10B), an area other than said subject image generated by said image sensor to be displayed on said screen of said display (see Figs. 9A & 10A, ON/OFF area), said display controller makes an edge of said enlarged area coincident with an edge of said subject image (see Figs. 9B & 10B).

As to claim **22**, Ejima teaches a cursor generator for generating a cursor corresponding to said specified position specified by said specifying member (Figs. 9A/9B), and a limiter for limiting a shift of said cursor to said enlarged area by said display controller (It is inherently that a shift of the cursor corresponding to the line drawing taught in Ejima is limited by the dimension of the touch tablet 6A).

As to claim **23**, Ejima teaches a cursor generator for generating a cursor corresponding to said specified position specified by said specifying member, wherein said display controller alters said enlarged area as said cursor shifts (Figs. 9A/9B).

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Regarding claim 25, it is a method claim corresponding to the apparatus claim 17.

Therefore, claim 25 is analyzed and rejected as previously discussed with respect to claim 17.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima '432 in view of Ueno '415, as applied to claim 17 above, and further in view of Yanker (US #5,187,776).

As to claim 20, Ejima teaches an altering member (Fig. 6) for altering magnification by displaying one portion of said subject image generated by said image sensor on said screen of said display in an enlarged manner (it is noted that Ejima teaches in column 9 lines 40-63 that the CPU 36 instructs the DSP 33 to zoom and display only designated regions of the object image such as Mr. Yamada's image only, see also column 10 lines 20-32).. Claim 20 differs from Ejima and Ueno in that the claim further requires that in the case when an area other than said subject image that has been stored is displayed on the screen by said altering member, an original subject image generated by said image sensor is displayed. However the limitation is well known in the art, as shown in Yanker. Yanker '776 teaches that an original image or an unmagnified image can be displayed depending upon input from the user (Fig. 3; see col. 1 line 66 - col. 2 line 4; col. 3 lines 13-31; col. 4 lines 7-21). In light of the teaching from Yanker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Ejima and Ueno allowing an original subject image to be displayed along with a zoomed portion of the subject image so as to allow the user to view both the zoomed portion and the original image.

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*Conclusion*

9. **Any response to this office action should be mailed to:**

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**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ngoc-Yen Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon - Fri from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

NYV  
08/28/2003

  
**NGOC-YEN VU**  
**PRIMARY EXAMINER**